

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**ATTY. DOCKET NO. 86455-3**

In re Patent Application of Germain GUAY

Serial No.: N/A

Group Art Unit: N/A

Filed: Herewith

Examiner: N/A

For: **CHROMATIC WIND INSTRUMENT**

**INFORMATION DISCLOSURE STATEMENT**

This Information Disclosure Statement is being filed in the manner prescribed by 37 CFR 1.97(b) - (d) to satisfy the duty under 37 CFR 1.56 to disclose to the Office information, known to individuals associated with the filing and prosecution of the subject application, which is material to the examination of the application.

In accordance with 37 CFR 1.97(g) and (h), this statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 CFR 1.56(b).

This information disclosure statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first official action on the merits and therefore applicant respectfully requests consideration under 37 CFR 1.97(b).

In compliance with 37 CFR 1.98(a)(1), a list of all patents, publications or other information submitted for consideration by the Office is hereby provided by way of the attached Form PTO 1449.

In compliance with 37 CFR 1.98(a)(2), also enclosed is a legible copy of:

- i) each foreign patent;
- ii) each publication or that portion which caused it to be listed; and
- iii) all other information or that portion which caused it to be listed, excluding any copies of a United States patent or patent application.

In compliance with 37 CFR 1.98(a)(3), the following is a concise explanation of the relevance, as it is presently understood by the person most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language.

Document CN 2220671Y

Figure 1 on the last page of this document appears to show a pan flute pipe 1 in which the position of a piston 3 can be adjusted to change the length of air column set in vibration in the pipe 1.

Document CH 693 250 A5

Figures 1 to 4 of this document appear to show a pan flute pipe 1 having a multiple component piston arrangement 2-19 for varying the length of air column set in vibration in the pipe 1.

Document DE 299 11 913 U1

The figure on the last page of this document appears to show a pan flute having two rows of pipes 10, one row of pipes 10 being movable with respect to the other row of pipes 10 through movement of lateral member 9.

Document DE 299 11 915 U1

The figure on the last page of this document appears to show a pan flute having two rows of pipes 1 and 2 supported by lateral member 3.

Document SU 1348900 A1

Figure 1 on the first page of this document appears to show a pan flute in which a rod 13 having a piston 12 at its end is positioned in each pipe 1 of the flute. Each rod 13 appears to be connected to a transverse rod 15 and to a spring 9 exerting a force on the rod 15. The pan flute appears to include a lateral member 27 having E-shaped openings 10 in which are inserted the transverse rods 15.

Figure 3 on the third page of this document appears to show an enlarged side-view of the cross section "II" shown in Figure 1. Lateral member 27 (not numbered in Figure 3) appears to extend into the pipe 2 and the assembly appears to be such that the lateral member 27 is fixed in a permanent position. No motion of the lateral member 27 appears to be possible and thus it appears that the rods 13 cannot be moved through movement of the lateral member 27.

Document FR 2 360 954

This document appears to describe the same pan flute as that described in document GB1513121 (document FR2360954A1 is the 7610159 application filed in France on March 31, 1976 that document GB1513121 cites as its convention application).

Document FR 2 523 752

Figure 4 on the last page of this document appears to show a pan flute pipe 8 in which the position of a piston 9 can be adjusted via a rod 12 to change the length of air column set in vibration in the pipe 8.

Document D 1574 35

Figures 1 to 3 on page 5 of this document appear to show a pan flute in which an accessory 4 directs air blown at the top of the pipes 3 and partly covers the entry of air into the pipes 3.

Document KR 1985-0002128

Figure 3 on page 3-3 of this document appears to show a pan flute pipe in which the position of a piston assembly 6 and 11 can be adjusted to change the length of air column set in vibration in the pipe.

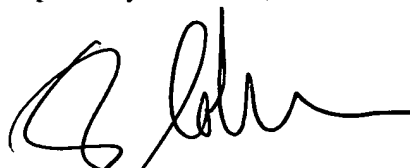
Document KR 0122960

Figures 1 to 3 on pages 4-3 and 4-4 of this document appear to show a pan flute in which a member 4 on a pipe P1 may be moved in order to vary the size of an opening 3 in the pipe P1.

It is respectfully requested that the information be expressly considered by the Examiner and that the references be made of record and appear among the "References Cited" on any patent to issue therefrom.

The Patent Office is hereby authorized to charge any deficiency, or credit any overpayment in fees to Deposit Account Number 19-2550.

Respectfully submitted,



Sanro Zlobec, Reg. No. 52,535  
SMART & BIGGAR  
1000 de la Gauchetiere Street West  
Suite 6400  
Montreal, Quebec H3B 4W5  
CANADA

Date: March 29, 2004  
Tel: (514) 954-1500  
Fax: (514) 954-1396

Encls.: Form PTO-A820  
Only foreign references listed on Form PTO-A820  
Acknowledgement Card

# **INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

ATTY DOCKET NO.

86455-3

SERIAL NO.

N/A

Germain GUAY

FILING

Herewith

GROUP

N/A

## **U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	US 500 433	06-27-1893	Louis H. SHUBERT			
	2.	US 2 167 582	07-25-1939	Hugh A. McCORD			
	3.	US 4 770 080	09-13-1988	Otto JIVOIN			
	4.	US 6 342 662	01-29-2002	Yin-Yao CHANG			

## **FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	5.	FR 2 360 954	03-03-1978	FRANCE				✓
	6.	GB 1 513 121	06-07-1978	GREAT BRITAIN				✓
	7.	DE 1574 35	10-11-1982	GERMANY				✓
	8.	FR 2 523 752	09-23-1983	FRANCE				✓
	9.	KR 1985-0002128	09-25-1985	REPUBLIC OF KOREA				✓

## **OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
----------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*

ATTY DOCKET NO.

86455-3

SERIAL NO.

N/A

Germain GUAY

FILING

Herewith

GROUP

N/A

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	10.	SU 1348900 A1	10-30-1987	U.S.S.R.				✓
	11.	CN 2220671Y	02-21-1996	CHINA				✓
	12.	KR 0122960	12-01-1998	REPUBLIC OF KOREA				✓
	13.	DE 299 11 915 U1	11-11-1999	GERMANY				✓
	14.	DE 299 11 913 U1	12-23-1999	GERMANY				✓

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*

ATTY DOCKET NO.

86455-3

SERIAL NO.

N/A

Germain GUAY

FILING

Herewith

GROUP

N/A

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	15.	CH 693 250 A5	04-30-2003	SWITZERLAND				✓

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.